# EXHIBIT 7

DECLARATION OF DANIEL FRIED

I, Daniel Fried, pursuant to 28 U.S.C. § 1746, hereby declare and say as follows:

1. I have been the Special Envoy for the Closure of the Guantanamo Bay Detention Facility since accepting my appointment on May 15, 2009. In my capacity as Special Envoy, I engage in diplomatic dialogue with foreign governments concerning the repatriation and/or resettlement of individuals who are detained at the U.S. detention facility at Guantanamo Bay, Cuba. My position was established in order to intensify diplomatic efforts to arrange for the repatriation or resettlement of individuals approved for such disposition under the review procedures established by Executive Order 13,492, which was signed by President Obama on January 22, 2009. Prior to accepting this appointment, I was the Department of State's Assistant Secretary for European and Eurasian Affairs from May, 2005-May, 2009 and the Special Assistant to the President and NSC Senior Director for European and Eurasian Affairs from January, 2001-May-2005. I also served as Ambassador to Poland from 1997-2000 and prior to that in various posts at the State Department, at overseas posts, and at the NSC starting in 1977. This declaration is submitted in support of the Government's motion to vacate the injunctions barring the Government from repatriating [redacted] Algerian nationals – [redacted] Farhi Saeed bin Mohammed (ISN 311); Abdul Aziz Naji (ISN 744) -- to Algeria. For the reasons discussed below, the injunction in this case places an inappropriate obstacle in the way of U.S. Government diplomatic efforts aimed at transferring these detainees to their country of nationality.

2. As Special Envoy, my primary task is to implement the mission set forth in Executive Order 13,492 of finding dispositions for individuals who are approved for repatriation or

resettlement in a manner that is consistent with the national security and foreign policy interests of the United States, and that will allow the U.S. Government to achieve the closure of the Guantanamo Bay Detention Facility as soon as practicable and in any event not later than January 22, 2010. In this task I am guided by the U.S. Government's policies with respect to post-transfer security and post-transfer humane treatment, including the policy that the U.S. Government will not transfer individuals to countries where it has determined that they are more likely than not to be tortured.

3. Through the application of these policies, the Department of State has assessed, on the basis of available information and in accordance with the procedures set forth in the attached declaration of Ambassador Clint Williamson,[1] that the [redacted] Algerian detainees referenced above can be repatriated to their country of nationality consistent with our policies on post-transfer humane treatment. In making this determination, the Department of State has taken into account that the United States Government has, from July 2008 to the present, transferred eight detainees to the exclusive custody and control of the Government of Algeria and we have received no credible allegations to suggest that the Government of Algeria has treated any of these individuals in a manner inconsistent with its obligations under the Convention Against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment (which includes prohibitions on torture and other forms of cruel, inhuman or degrading or treatment or punishment). We are not aware of any information that would lead the Department of State to conclude that the

[1] Although Ambassador Williamson's office is no longer the office handling issues related to the transfer of Guantanamo Bay detainees within the State Department, the policies and practices set forth in his declaration remain in effect.

Government of Algeria will deviate from this track record in its treatment of the [redacted] detainees referenced above. Decisions with respect to transfer of Guantanamo Bay detainees are made on an individual case-by-case basis, taking into account a variety of information and sources regarding the particular circumstances of the transfer, the country, the individual concerned, and any concerns regarding torture or persecution that may arise. *See* Williamson Decl. ¶ 7-8. In the cases of the [redacted] Algerian nationals at issue here, we have considered a variety of information, including submissions we have received to date from counsel representing the detainees, to reach our present conclusion that the detainees can be repatriated to Algeria consistent with our policies on post-transfer humane treatment.

4. Executive Order 13,492 requires the closure of the Guantanamo Bay detention facility no later than January 22, 2010. The implementation of this order is an important foreign policy objective of the United States Government. In order to give effect to this order it is critical that the Department of State be in a position to negotiate for the repatriation of detainees who have been approved for transfer and can be returned to their home countries consistent with the United States Government's security and post-transfer humane treatment policies.

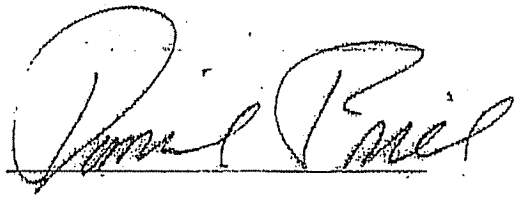
5. [redacted]

[redacted]

6. As explained above and in the attached declaration of Ambassador Williamson, the U.S. Government will not transfer individuals to countries where it has determined that they are more likely than not to be tortured. The Department of State has, and will continue, to apply this policy in its dealings with the Government of Algeria. In the event additional information comes to light that leads the Department of State to reconsider its current conclusion that the [redacted] Algerian nationals can be repatriated to Algeria consistent with this policy, then the repatriation will not occur, notwithstanding the consequences to our diplomatic relationship with Algeria, until such concerns are addressed.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on July 9, 2009.



Daniel Fried